

REMARKS

The Official Action mailed August 11, 2006 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

As an initial matter, the Applicant has amended claim 26 to recite "said moisture level is reduced to a final moisture level 'y'." Support for this amendment may be found in paragraph [0028] of the published application which recites in part:

"the method herein provides a base material and binder composition that has an initial moisture level of preferably at or below 50% (wt). ...Then, in the process of the manufacture of the treat or chew, the moisture level is preferably reduced to a level of at or below 15% (wt), including any range of moisture at or below such level...the initial moisture level may be about 20-25% (wt), and the final moisture level may be about 10-12% (wt)."

As can be seen from the above, the final level "y" is described as less than the initial moisture level "x", and thus $y < x$. In addition, reference is made to withdrawn claim 34 which makes clear that there is support for the definition of "y" as a final moisture level. No new matter has been added by this amendment.

Claims 26-33 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It was alleged that "[t]here does not appear to be support for defining the intermediate moisture level produced by the screw conveyor as being equal to the 'final moisture level.'" *Office Action*, Section 3 (August 11, 2006.) As can be seen from the above, "y" has been defined as the "final moisture level" as requested by the Examiner and it is therefore believed that the outstanding rejection under 35 USC 112 has now been rendered moot.

In addition, the withdrawn claims 1-25 and 34-35 have been cancelled.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that claims 26-33 in the present application, as amended, are in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

AMENDMENT

Serial Number: 10/753,897

Filing Date: January 8, 2004

Title: Apparatus and Process for Forming Pet Treats

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In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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